



UNITED STATES PATENT AND TRADEMARK OFFICE

51
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/002,906	01/05/1998	THEODORE D. WUGOFSKI	450.196US1	8339
32719	7590	09/09/2004	EXAMINER	
GATEWAY, INC.			TRAN, HAI V	
ATTN: SCOTT CHARLES RICHARDSON			ART UNIT	PAPER NUMBER
610 GATEWAY DR., Y-04				
N. SIOUX CITY, SD 57049			2611	

DATE MAILED: 09/09/2004

26

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/002,906	WUGOFSKI ET AL.
	Examiner	Art Unit
	Hai Tran	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 May 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 13-18 and 30-33 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12, 19-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 05/28/2004 have been fully considered but they are not persuasive.

Claim 19, Applicant argues, "...The reference has nothing to do with creating and managing a favorite channels list. Contrary to the contention of the Examiner, there is no teaching of any kind of automated adding of channels without user intervention as claimed."

In response, the Examiner respectfully disagrees with Applicant and reemphasizes again that Schein '911 discloses a computer system (Fig. 3) to dynamically manage favorite channels based on user specified theme (Col. 12, lines 12-20 and 26-65) and automatically adding each one of the channels to a favorites channel list without user intervention by searching the guide and determine which programs with associated channels or which channels with associated programs to be included in the favorite channels list.

As to "Favorite channels list", the Examiner directs Applicant to Fig. 6D to further support "favorite channels list" with its "Channel" column that contains channels, i.e. ABC, PBS, TCC...

In response to Applicant's argument regarding to the rejections based on the combination of Schein '911 patent and the Kostreski patent, the Examiner states again (see above discussion) that Schein '911 teaches all the limitations in the based claims 19, 24 and 25. As to claims 1 and 8, Schein discloses all the

limitations but limitation “one or more logical channels” and “channel map services to map a logical channel number with corresponding physical channel and physical device” of the Schein ‘s Favorite channel list. Kostreski taught these limitations by showing one or more logical channel (Fig.5 and Col.28, lines 40-Col.29, lines 34). The secondary program maps 520a and 520b both provide the same RF and PID values for CBS, ABC, NBC and FOX; therefore, Kostreski discloses an arrangement that enables VIPs to share sources within the reserved section 522 (Col.29, lines 14-29 and Col.29, lines 35-Col.30, lines33). Furthermore, Kostreski teaches each logical channel “SEL.” uniquely identifies a corresponding physical channel “VIP StarSight “for popular network such as CBS, ABC, NBC and FOX regardless the user select “VIP StarSight” or “VIP BVS”. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schein ‘s 911 by mapping favorite channel listed to corresponding logical (virtual) channels, as taught by Kostreski, in order to present to user an list of programs (EPG) in an organized, structured format adapted for ease of use by the user as suggested by Kostreski (Col.3, lines 15-57).

For at least the reason set forth above, the rejection is maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 19, 22-25 and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Schein (US 6323911).

Regarding claim 19, Schein 's 911 discloses a computer system to dynamically manage favorite channels (Fig. 3) based on user specified theme (Col. 12, lines 26-65) the computerized system comprising:

As to "identifying one or more channels showing an event of a user specified theme" and "automatically adding each of the channel to a favorite channel list wherein such adding does not require user intervention", the Examiner cites Fig. 9A-9F; specifically "...the system will then **automatically** search the guide to determine which programs include the specified performers. In addition, **the system may be configured to continuously perform this search as new programs appear in the guide each day.**" In doing so, the system automatically adds programs that correspond to user criteria/theme from the master/general guide into the favorite channel list; Col. 12, lines 55-62;

As to "wherein the step of identifying is achieved by matching one or more event themes from an EPG content database to the user specified theme," the Examiner cites (Col. 12, lines 12-20) and regarding "including each one of the channels in the favorites list" the Examiner cites (Col. 12, lines 55-57; Notes:

Favorite list Fig. 6D with Channel Column that contains channels, i.e. ABC, PBS, TCC...);

As to "user specified theme corresponds to a theme field of events in an EPG content database" the Examiner cites Col. 12, lines 15-20 and lines 57-62.

Regarding claim 22, Schein's 911 discloses "wherein the channels identified during the step of identifying depend on an update frequency of the EPG content database and a number of time slots includes in the favorite channels list" is met by Schein's 911 (Col. 12, lines 60-61) because the EPG content is notoriously well known to be updated either "periodically", "cyclical" or "caroussel" mode by the headend in which the favorite channel list depends on the newly updated EPG data for identifying newly updated Channels. For example, a complete new schedule is sent to subscribers on a daily, weekly, or some other periodic basis, with no data sent in between complete schedule updates. In this case, the housekeeping routine need only be run in advance of the next schedule. On the other hand, "cyclical" mode of operation, when all of the data in a schedule has been sent, transmission of schedule data updates immediately begins. Each subsequent transmission includes updates to schedule information already stored in the EPG as well as new data for the end of the covered time period. Any schedule data that has expired since the last transmission is not sent. Because new records are constantly received by the EPG, the housekeeping routine must be invoked more frequently than periodically in which complete new program schedules are sent on a daily or other periodic basis.

Regarding claims 23 and 29, Schein 's 911 further discloses the step of identifying is achieved by matching one or more words in an event description from the EPG content Database to the user specific theme (Col.12, lines 5-65).

Regarding claim 24, Schein 's 911 further discloses a computer (motherboard, processor, RAM, etc...Fig. 3) comprising:

A processor 68 (Col.7, lines 18-28);
A computer readable medium 66 (Fig.3, Col. 7, lines 18-25);
A plurality of computer instructions (Col.7, lines 30-37) executed from the computer readable medium by the processor for performing the step of identifying one or more channels showing an event of a user specified theme (Col. 12, lines 12-20) and automatically adding each one of the channels to a favorite channel list without user intervention (Fig. 9A-9F; specifically "...the system will then **automatically** search the guide to determine which programs include the specified performers. In addition, **the system may be configured to continuously perform this search as new programs appear in the guide each day.**" In doing so, the system automatically adds programs that correspond to user criteria/theme from the master/general guide into the favorite channel list; Col. 12, lines 55-62; Notes: Favorite list Fig. 6D with Channel Column that contains channels, i.e. ABC, PBS, TCC...).

Note Schein's 911 software clearly meets "the plurality of computer instructions" because "software" comprises a plurality of computer instructions.

Regarding claim 25, see analysis of claims 19 and 24.

Regarding claim 28, Schein's 911 discloses "the step of identifying depend on an update frequency of the EPG content database and a number of time slots includes in the favorite channels list" is met by Schein's 911 (Col. 12, lines 60-61) because the EPG content is notoriously well known to be updated either "periodically", "cyclical" or "caroussel" mode by the headend in which the favorite channel list depends on the newly updated EPG data. For example, a complete new schedule is sent to subscribers on a daily, weekly, or some other periodic basis, with no data sent in between complete schedule updates. In this case, the housekeeping routine need only be run in advance of the next schedule. On the other hand, "cyclical" mode of operation, when all of the data in a schedule has been sent, transmission of schedule data updates immediately begins. Each subsequent transmission includes updates to schedule information already stored in the EPG as well as new data for the end of the covered time period. Any schedule data that has expired since the last transmission is not sent. Because new records are constantly received by the EPG, the housekeeping routine must be invoked more frequently than periodically in which complete new program schedules are sent on a daily or other periodic basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6323911) in view of Kostreski et al (US 5734589).

Regarding claim 1, Schein 's 911 discloses a computer system for managing favorite channels (Fig. 3) based on user specified theme (Col. 12, lines 26-65) the computerized system comprising:

One or more favorite channel lists (Notes:Favorite list Fig. 6D with Channel Column that contains channels, i.e. ABC, PBS, TCC...), the favorite channel lists comprising one or more channels relating to the user specified theme/criteria (performers, categories, series as a whole, etc.), wherein the computerized system identifies the channels/programs showing an event of the user specified theme (criteria) and automatically adds each of channels/programs to the favorite channel list without user intervention (Fig. 9A-9F; specifically "...the system will then **automatically** search the guide to determine which programs include the specified performers. In addition, ***the system may be configured to continuously perform this search as new programs appear in the guide each day.***" In doing so, the system automatically adds

programs that correspond to user criteria/theme from the master/general guide into the favorite channel list; Col. 12, lines 55-62);

A favorites database for storing one or more favorite channel lists is met by "a memory stores the television programs that have been selected by the viewer. The programs can be selected for a variety of reasons, such as a designated the program as a favorite"; Col. 11, lines 54-59; Thus programs selected that correspond to user criteria/theme stores in the memory is a favorite database.

Schein 's 911 does not clearly disclose one or more logical channels of the favorite channel list; however, Schein 's 911 discloses the favorite channel list related to user specified theme as discussed above.

Kostreski shows one or more logical channel (Fig.5 and Col.28, lines 40-Col.29, lines 34). The secondary program maps 520a and 520b both provide the same RF and PID values for CBS, ABC, NBC and FOX; therefore, Kostreski discloses an arrangement that enables VIPs to share sources within the reserved section 522 (Col.29, lines 14-29 and Col.29, lines 35-Col.30, lines33). Furthermore, Kostreski teaches each logical channel "SEL." uniquely identifies a corresponding physical channel "VIP StarSight "for popular network such as CBS, ABC, NBC and FOX regardless the user select "VIP StarSight" or "VIP BVS".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schein 's 911 by mapping favorite channel listed to corresponding logical (virtual) channels, as taught by Kostreski, in order to

present to user an list of programs (EPG) in an organized, structured format adapted for ease of use by the user as suggested by Kostreski (Col.3, lines 15-57).

Regarding claim 2, Schein 's 911 further discloses an EPG (Fig.4A) content database storing a plurality of events available on one or more channels for a period of time (Col.12, lines 12-18). Note "period of time" is read on period of time in which the current EPG will be updated by the headend from Schein's 911 (Col. 12, lines 60-61). The EPG content is notoriously well known to be updated either "periodically", "cyclical" or "caroussel" mode by the headend in which the favorite channel list depends on the newly updated EPG data. For example, a complete new schedule is sent to subscribers on a daily, weekly, or some other periodic basis, with no data sent in between complete schedule updates. In this case, the housekeeping routine need only be run in advance of the next schedule. On the other hand, "cyclical" mode of operation, when all of the data in a schedule has been sent, transmission of schedule data updates immediately begins. Each subsequent transmission includes updates to schedule information already stored in the EPG as well as new data for the end of the covered time period. Any schedule data that has expired since the last transmission is not sent. Because new records are constantly received by the EPG, the housekeeping routine must be invoked more frequently than periodically in which complete new program schedules are sent on a daily or other periodic basis.

Regarding claim 3, Schein 's 911 further discloses wherein the user specified theme corresponds to a theme field of events in an EPG content database (Col. 12, lines 15-20 and lines 57-62).

Regarding claim 4, Schein 's 911 further discloses an EPG data services for managing the EPG content Database, the EPG data services providing functions for loading EPG –type (mode Favorite only; Fig. 6D; Col. 11, lines 5-11) data from one or more data services (different program sources; see fig. 4A-B; 6A-B; 7A) (Col.9, lines 19-65+).

Regarding claim 5, Schein 's 911 further discloses a favorites service providing one or more user interfaces and a plurality of management functions for each one of the favorite channel lists (Fig. 9B-F; and Col. 12, lines 37-65).

Regarding claim 6, Schein 's 911 further discloses wherein the management functions include at least one function selected from the group of functions consisting of: adding a favorite event to one of the favorite channel lists ("a confirmation panel(not shown) may appear that allows the viewer to o.k. the action"), and selecting a favorite event from one of the favorite channel lists (Fig.9C; Col.12, lines 36-50); removing a favorite event from one of the favorite channel lists (Fig. 9D; Col. 12, lines 50-53).

Regarding claim 7, Kostreski further discloses a channel map service for determining a physical channel number and a corresponding physical device for each one of the logical channels (Fig.5).

Regarding claim 8, see analysis of claim 1, in combination with claims 5-7.

Regarding claim 9, see analysis of claim 7.

Regarding claim 10, see analysis of claim 6.

Regarding claim 11, see analysis of claim 1.

Regarding claim 12, see analysis of claim 2.

3. Claims 20-21 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6323911) in view of Schein (US 6002394).

Regarding claims 20 and 21, Schein 's 911 does not clearly discloses the EPG content database include 'event sub-theme' or 'generic event sub-theme' as claimed; however, Schein 's 911 discloses the step of identifying is achieved by matching theme from an EPG content database to the user specified theme.

Schein 's 394 shows the structure of an EPG database with theme ID (see Fig.4) that corresponds to 'Theme ID of a Theme Category Table' (Fig. 8). Moreover the Theme Category Table (Fig. 8) has a relational field 'Theme Sub-category handle Table' which has a relationship with the 'Theme ID #' field of the Theme Subcategory table (Fig.9; Col. 10, lines 60-Col. 11, lines 11) according to the well-known Relational Database's theory. Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify Schein 's 911 with Schein 's 394 to have an EPG content database include 'event sub-theme' or 'generic event sub-theme', as taught by Schein 's 394, so to provide to user an accurate way to query a program with a specific theme/sub-theme entry (Schein 's 394; Col. 11, lines 15-45).

Regarding claims 26 and 27, see analysis of claims 20-21.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hay Tran whose telephone number is 703-308-7372. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
08/22/2004



HAI TRAN
PATENT EXAMINER